

Amendment and Response under 37 C.F.R. 1.116

Applicant: Brett M. Webb

Serial No.: 09/825,583

Filed: April 3, 2001

Docket No.: 10003931-1/H302.157.101

Title: NETWORK BASED GIFT REMINDER AND PURCHASING SYSTEM AND METHOD

REMARKS

The following remarks are made in response to the Final Office Action mailed November 2, 2004. Claims 1-20 were rejected. With this Response, claims 1, 9, 15, and 18-20 have been amended. Claims 1-20 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 103

Claims 1-20 are rejected under 35 U.S.C. § 103(a) as unpatentable over Robertson U.S. Patent No. 6,609,106 in view of Holland U.S. Patent No. 6,618,753.

a. **Independent Claim 1**

Applicant's amended independent claim 1 specifies a method of gift purchasing.

Regarding amended independent claim 1 relating to a method of gift purchasing, Robertson also fails to disclose generating a reminder, based on an internet search on relating to the at least one gift idea that is initiated and performed by the gift reminder service provider, wherein the reminder includes, for each at least one gift idea, at least one network link to a gift merchant web site identified in the internet search that sells a gift related to the at least one gift idea wherein the gift merchant web site is independent of the gift reminder service provider, and then electronically notifying a user with the reminder from the gift reminder service provider, as claimed by Applicant.

Instead, Robertson discloses a notification that includes a preferred reseller for each gift listed in the notification. The preferred reseller is identified by gift registry site 70 via a system in which gift merchants (i.e., SP sites 60) register with the gift registry site 70 in order to be listed as a preferred reseller or alternate reseller. These preferred resellers and/or alternate resellers are not identified by an internet-based search initiated by the gift registry site 70.

Applicant's claimed method is an open process in which any gift merchant web site (that has a gift for sale that is related to the gift idea) can be listed within the reminder without the gift merchant web site having to make prior registration with the gift reminder service provider. Gift reminder service provider does not control through registration which gift merchant web sites will appear in the reminder because the gift merchant web sites are

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identified in an internet search, relating to an at least one gift idea, initiated and performed by the gift reminder service provider, as claimed by Applicant, thereby making the gift merchant web site independent of the gift reminder service provider.

Holland does not provide what Robertson lacks. Holland merely discloses that email messages can be sent to registrants on the eve of events. However, this email message merely invites registrants to generate an aggregated registry for an event, apparently at a registry web site. See Holland at Column 8, lines 23-34. In Holland, a user initiates a query to collect gift registry databases at a single web site, from which searches for gifts can be made by the user. Holland at Column 2, lines 33-66 to Column 3, lines 1-41.

Accordingly, Holland does not disclose an electronic notification reminder of the at least one gift idea and a related event date with the reminder including at least one network link to a independent gift merchant web site selling a gift, wherein the gift merchant web site in the reminder is presented with an associated network link and that is identified in an internet search, relating to an at least one gift idea, initiated and performed by the gift reminder service provider, as claimed by Applicant.

For these reasons, neither Robertson nor Holland, alone or in combination, disclose or suggest or make obvious Applicant's independent claim 1. Accordingly, Applicant's believe that independent claim 1 is allowable over Robertson and/or Holland. Claims 2-8 are believed to be allowable based on their dependency from independent claim 1.

b. Independent Claim 9

For substantially the same reasons presented for the patentability of Applicant's amended independent claim 1, Applicant's independent claim 9 directed to a computer-based gift purchasing system is not taught or suggested by Robertson and/or Holland. In particular, neither Robertson nor Holland disclose a system comprising, among other things, an identification mechanism including an internet search function to initiate and perform an internet search by a reminder service provider to identify at least one independent gift merchant web site selling a gift relating to the respective at least one gift idea, and then using a notification mechanism to electronically notify a user of an activatable network link to the identified gift merchant web site. Accordingly, one could not combine Robertson in view of Holland and arrive at the invention of independent claim 9.

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For these reasons, neither Robertson nor Holland, alone or in combination, disclose or suggest or make obvious Applicant's independent claim 9. Accordingly, Applicant's believe that independent claim 9 is allowable over Robertson and/or Holland. Claims 10-14 are believed to be allowable based on their dependency from independent claim 9.

c. Independent Claim 15

For substantially the same reasons presented for the patentability of Applicant's amended independent claim 1, Applicant's independent claim 15 directed to a computer-based gift reminder electronic notification system is not taught or suggested by Robertson and/or Holland.

In particular, neither Robertson nor Holland disclose a message is viewable on a user interface of a computing device (in communication with the gift reminder service provider) wherein the message is received prior to an event date and includes at least one gift idea, the related event date, and a network link to a gift merchant web site identified via an internet search, relating to the at least one gift idea, that is initiated and performed by the gift reminder service provider. Accordingly, one could not combine Robertson in view of Holland and arrive at the invention of independent claim 15.

For these reasons, neither Robertson nor Holland, alone or in combination, disclose or suggest or make obvious Applicant's independent claim 15. Accordingly, Applicant's believe that independent claim 15 is allowable over Robertson and/or Holland. Claims 16-17 are believed to be allowable based on their dependency from independent claim 15.

d. Independent Claim 18

For substantially the same reasons presented for the patentability of Applicant's amended independent claim 1, Applicant's independent claim 18 directed to a method of gift purchasing is not taught or suggested by Robertson and/or Holland.

In particular, neither Robertson nor Holland disclose notifying the user (at a point in time prior to the event date) with an electronic mail reminder from the gift reminder service provider wherein the reminder includes a network link to a web site of the gift reminder service provider for accessing at least one activatable link to a gift merchant web site selling a

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gift related to the gift idea wherein the gift merchant web site is independent of the gift reminder service provider and is identified via an internet search, relating to the gift idea, initiated and performed by the gift reminder service provider. Accordingly, one could not combine Robertson in view of Holland and arrive at the invention of independent claim 18.

For these reasons, neither Robertson nor Holland, alone or in combination, disclose or suggest or make obvious Applicant's independent claim 18. Accordingly, Applicant's believe that independent claim 18 is allowable over Robertson and/or Holland.

e. Independent Claim 19

For substantially the same reasons presented for the patentability of Applicant's amended independent claim 1, Applicant's independent claim 19 directed to method of gift purchasing is not taught or suggested by Robertson and/or Holland.

In particular, neither Robertson nor Holland disclose generating an electronic reminder notification of at least one event date and at least related gift idea, via a gift reminder service provider, in which a plurality of gift merchant web sites accessible through a network link in the notification are identified in an internet-based search, relating to the at least one gift idea, that is initiated and performed by the gift reminder service provider, and in which the plurality of gift merchant web sites are accessible directly from the notification independent of the gift reminder service provider. Accordingly, one could not combine Robertson in view of Holland and arrive at the invention of independent claim 19.

For these reasons, neither Robertson nor Holland, alone or in combination, teach or suggest Applicant's independent claim 19. Accordingly, Applicant's believe that independent claim 19 is allowable over Robertson and/or Holland.

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f. Independent Claim 20

For substantially the same reasons presented for the patentability of Applicant's amended independent claim 1, Applicant's independent claim 20 is directed to a computer-readable medium having computer-executable instructions for performing a method of gift purchasing that is not taught or suggested by Robertson and/or Holland.

In particular, neither Robertson nor Holland disclose tracking, at a gift reminder service provider, gift ideas and related event dates for a user, and generating a reminder at the gift reminder service provider with the reminder including at least one activatable network link to a gift merchant web site selling at least one gift related to the gift ideas wherein the gift merchant web site is identified via an internet search, relating to the gift ideas, initiated and performed by the gift reminder service provider. Accordingly, one could not combine Robertson in view of Holland and arrive at the invention of independent claim 20.

For these reasons, neither Robertson nor Holland, alone or in combination, teach or suggest Applicant's independent claim 20. Accordingly, Applicant's believe that independent claim 20 is allowable over Robertson and/or Holland.

Finally, the Office Action required that claim 20 further describe technology.

Applicant has amended claim 20 to further specify electronic generation of the reminder via a gift reminder service provider computer, thereby using technology to specify a tangible result, namely, a reminder being displayed at a second computer in communication with a gift reminder service provider computer, and enabling activation of a network link by the user at the second computer. These events happen outside the computer, e.g. a gift reminder service provider computer, that performs tracking, generating and sending of the reminder. For these reasons, claim 20 meets statutory criteria of 35 U.S.C § 101 as applied in MPEP Section 2106. Accordingly, withdrawal of this objection/rejection is respectfully requested.

In light of the above, Applicants respectfully request withdrawal of the rejection of claims 1-20 based on Robertson and Holland under 35 U.S.C. §103(a).

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-20 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-20 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

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The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either James R. McDaniel at Telephone No. (208) 396-4095, Facsimile No. (208) 396-3958 or Paul S. Grunzweig at Telephone No. (612) 767-2504, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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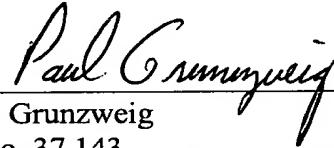
Respectfully submitted,

Brett M. Webb,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17th day of December, 2004.

By Paul Grunzweig
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